UNITED STATES PATENT AND TRADEMARK OFFICE

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10/671,781	09/29/2003	Naoto Kinjo	Q77696	9411

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/671,781	KINJO, NAOTO
	Examiner	Art Unit	
	Kelly L. Jerabek	2622	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>12 April 2007</u>.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>2-13</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>2-13</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 2, 5 and 8-13 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments filed 4/12/2007 have been fully considered but they are not persuasive.

Response to Remarks:

Applicant's arguments regarding claim 3 (Amendment page 10) state that since the Cohen reference fails to teach or suggest that the identification of the digital camera is transmitted to the DDST, **in association with the image information acquired by the digital camera**, Cohen also fails to teach or suggest selecting the image information to be received according to unique identification information allocated to each photography device, transmitted from the image information transmission means. The Examiner respectfully disagrees. Cohen states that pictures taken by more than one image-capturing device (10) may be transferred to the DDST device (100) (page 5, paragraph 59). Additionally, Cohen states that after acquiring images in the digital camera (10) when a user wants to download digitized image data from the camera (10)

to the DDST device (100), the user must establish a communications link between the

camera (10) and the DDST device (100) (page 6, paragraph 65). Cohen further states

that when a USB connection is used for communication a USB communications

protocol or manager includes a procedure for identifying newly connected devices (10)

and the USB communications protocol or manager can be used to automatically initiate

a procedure to completely establish the communications link and initiate the information

transfer (page 6, paragraph 65). Since the USB communications protocol includes a

procedure for identifying newly connected devices it is inherent that each photography

device (10) must have unique identification information and the identification information

must be transmitted to the data processing device (DDST device 100) via an image

information transmission means (port 120a). Therefore, it can be seen that Cohen

discloses that the data processing device (DDST 100) receives image information from

a plurality of photography devices (10) and further comprises received image selection

means that selects the image information according to the unique identification

information allocated to said each photography device (10), transmitted from the image

information transmission means (port 120a) (only cameras 10 that have been identified

by the USB communications protocol of the DDST device 100 and have had a

communications link established with the DDST device 100 are capable of transmitting

image information to the DDST device 100). Additionally, claim 3 does not require that

identification of the digital camera is transmitted in association with the image

information acquired by the digital camera therefore the argument regarding this

limitation is moot.

Applicant's arguments regarding claim 4 (Amendment pages 10-11) state that

since the Cohen reference fails to state that the photography device has identification

information unique to the photography device and an image information transmission

means that transmits the identification information to a plurality of data processing

devices; and the data processing receives image information from a plurality of

photography devices and further comprises received image selection means that

selects the image information according to the unique identification information

allocated to said each photography device, transmitted from the image information

transmission means. The Examiner respectfully disagrees. Cohen states that pictures

taken by more than one image-capturing device (10) may be transferred to the DDST

device (100) (page 5, paragraph 59). Additionally, Cohen states that after acquiring

images in the digital camera (10) when a user wants to download digitized image data

from the camera (10) to the DDST device (100), the user must establish a

communications link between the camera (10) and the DDST device (100) (page 6,

paragraph 65). Cohen further states that when a USB connection is used for

communication a USB communications protocol or manager includes a procedure for

identifying newly connected devices (10) and the USB communications protocol or

manager can be used to automatically initiate a procedure to completely establish the

communications link and initiate the information transfer (page 6, paragraph 65). Since

the USB communications protocol includes a procedure for identifying newly connected

devices it is inherent that each photography device (10) must have unique identification

information and the identification information must be transmitted to the data processing

device (DDST device 100) via an image information transmission means (port 120a).

Therefore, it can be seen that Cohen discloses a photography device (10) that has

identification information (information sent to the DDST device 100 that allows the USB

communications protocol to identify a newly connected device and establish a

communications link) unique to the photography device (10) and an image information

transmission means (port 120a) that transmits the identification information to a plurality

of data processing devices (DDST devices 100); and the data processing device (DDST

100) receives image information from a plurality of photography devices (10) and further

comprises received image selection means that selects the image information according

to the unique identification information allocated to said each photography device (10),

transmitted from the image information transmission means (port 120a) (only cameras

10 that have been identified by the USB communications protocol of the DDST device

100 and have had a communications link established with the DDST device 100 are

capable of transmitting image information to the DDST device 100).

Applicant's arguments regarding claims 6 and 7 (Amendment page 11) state that

claims 6 and 7 overcome the Cohen reference because of their dependencies on claims

2 and 3. Therefore, the responses given above regarding claims 2 and 3 also apply to

claims 6 and 7.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 3-4 and 6-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Cohen et al. US 2002/0108118.

Re claim 3, Cohen discloses a photography system comprising: a photography

device (10) for taking photographs of photographic objects and acquiring image

information (figures 1A-1C; page 1, paragraph 3-6; page 3, paragraph 40); and a

portable data processing device (100) formed separately from the photography device

(10) for encoding (digitized data stored in DDTS device 100 is converted into an

appropriate form for further transmission) and storing the image information acquired by

the photography device (10), wherein the photography device (10) includes image

information transmission means (32) that directly transmits the acquired image

information to the data processing device (100) directly (via USB port 120a) (page 3,

paragraph 39-page 4, paragraph 45; page 6, paragraph 65). Cohen further states that

pictures taken by more than one image-capturing device (10) may be transferred to the

DDST device (100) (page 5, paragraph 59). Additionally, Cohen states that after acquiring images in the digital camera (10) when a user wants to download digitized image data from the camera (10) to the DDST device (100), the user must establish a communications link between the camera (10) and the DDST device (100) (page 6, paragraph 65). Cohen further states that when a USB connection is used for communication a USB communications protocol or manager includes a procedure for identifying newly connected devices (10) and the USB communications protocol or manager can be used to automatically initiate a procedure to completely establish the communications link and initiate the information transfer (page 6, paragraph 65). Since the USB communications protocol includes a procedure for identifying newly connected devices it is inherent that each photography device (10) must have unique identification information and the identification information must be transmitted to the data processing device (DDST device 100) via an image information transmission means (port 120a). Therefore, it can be seen that Cohen discloses that the data processing device (DDST 100) receives image information from a plurality of photography devices (10) and further comprises received image selection means that selects the image information according to the unique identification information allocated to said each photography device (10), transmitted from the image information transmission means (port 120a) (only cameras 10 that have been identified by the USB communications protocol of the DDST device 100 and have had a communications link established with the DDST device 100 are capable of transmitting image information to the DDST device 100).

Re claim 4, Cohen discloses a photography system comprising: a photography

device (10) for taking photographs of photographic objects and acquiring image

information (figures 1A-1C; page 1, paragraph 3-6; page 3, paragraph 40); and a

portable data processing device (100) formed separately from the photography device

(10) for encoding (digitized data stored in DDTS device 100 is converted into an

appropriate form for further transmission) and storing the image information acquired by

the photography device (10), wherein the photography device (10) includes image

information transmission means (32) that directly transmits the acquired image

information to the data processing device (100) directly (via USB port 120a) (page 3,

paragraph 39-page 4, paragraph 45; page 6, paragraph 65). Cohen further states that

pictures taken by more than one image-capturing device (10) may be transferred to the

DDST device (100) (page 5, paragraph 59). Additionally, Cohen states that after

acquiring images in the digital camera (10) when a user wants to download digitized

image data from the camera (10) to the DDST device (100), the user must establish a

communications link between the camera (10) and the DDST device (100) (page 6,

paragraph 65). Cohen further states that when a USB connection is used for

communication a USB communications protocol or manager includes a procedure for

identifying newly connected devices (10) and the USB communications protocol or

manager can be used to automatically initiate a procedure to completely establish the

communications link and initiate the information transfer (page 6, paragraph 65). Since

the USB communications protocol includes a procedure for identifying newly connected

devices it is inherent that each photography device (10) must have unique identification

information and the identification information must be transmitted to the data processing device (DDST device 100) via an image information transmission means (port 120a). Therefore, it can be seen that Cohen discloses a photography device (10) that has identification information (information sent to the DDST device 100 that allows the USB communications protocol to identify a newly connected device and establish a communications link) unique to the photography device (10) and an image information transmission means (port 120a) that transmits the identification information to a plurality of data processing devices (DDST devices 100); and the data processing device (DDST 100) receives image information from a plurality of photography devices (10) and further comprises received image selection means that selects the image information according to the unique identification information allocated to said each photography device (10), transmitted from the image information transmission means (port 120a) (only cameras 10 that have been identified by the USB communications protocol of the DDST device 100 and have had a communications link established with the DDST device 100 are capable of transmitting image information to the DDST device 100).

Re claims 6-7, Cohen states that the data processing device (100) classifies the encoded image information (places image data into folders) for each piece of the identification information and stores the classified encoded image information in the storage means (180) (page 6, paragraph 70).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 2, 5 and 9-13 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Cohen et al. in view of Park et al. US 6,731,305.

Re claim 2, Cohen discloses a photography system comprising: a photography

device (10) for taking photographs of photographic objects and acquiring image

information (figures 1A-1C; page 1, paragraph 3-6; page 3, paragraph 40); and a

portable data processing device (100) formed separately from the photography device

(10) for encoding (digitized data stored in DDTS device 100 is converted into an

appropriate form for further transmission) and storing the image information acquired by

the photography device (10), wherein the photography device (10) includes image

information transmission means (32) that directly transmits the acquired image

information to the data processing device (100) directly (via USB port 120a) (page 3,

paragraph 39-page 4, paragraph 45; page 6, paragraph 65). Cohen also states that

additional information (metadata) can be provided along with the digitized image data

(page 6, paragraph 63). However, although the Cohen reference discloses all of the

above limitations it fails to specifically state that an image information transmission means has a function to transmit identification information unique to the photography device in association with the acquired image information to a plurality of data processing devices.

Park discloses a camera capable of storing camera identification information in a file along with a set of images captured by the camera. JPEG images captured by the camera (10) are stored in a file containing metadata (301) and a series of frames (302a-302c). The metadata (301) includes the conventional type of file header information and also includes the ID of the camera that created the images (col. 4, lines 5-28). Therefore, it would have been obvious for one skilled in the art to have been motivated to include information indicating an ID of the camera that captured an image as disclosed by Park as the additional information (metadata) that is provided along with the digitized image data to be transferred to the DDST device disclosed by Cohen. Doing so would provide a means for easily identifying the device that captured an image when a file of images is stored or transferred to a remote device (Park: col. 4, lines 26-28).

Re claim 5, Cohen states that the data processing device (100) classifies the encoded image information (places image data into folders) for each piece of the identification information and stores the classified encoded image information in the storage means (180) (page 6, paragraph 70).

Re claim 9, Cohen states that the image processing means has a function to encrypt the image information and stored the encrypted image information in the storage means (180) (page 4, paragraph 52).

Re claim 10, Cohen states that the data processing device (100) has a data transmission means (122 a, 122b) for transmitting data to an external device (server) (page 4, paragraph 45 and page 5, paragraph 62).

Re claim 11, Cohen states that the photography device (10) may be pre-located in order to capture images of tourists passing through a certain location (page 5, paragraph 58).

Re claim 12, Cohen discloses all of the limitations of claim 3 above. Cohen also states that additional information (metadata) can be provided along with the digitized image data (page 6, paragraph 63). However, although the Cohen reference discloses all of the above limitations it fails to specifically state that an image information transmission means has a function to transmit identification information unique to the photography device in association with the acquired image information to a plurality of data processing devices.

Park discloses a camera capable of storing camera identification information in a file along with a set of images captured by the camera. JPEG images captured by the camera (10) are stored in a file containing metadata (301) and a series of frames (302a-

302c). The metadata (301) includes the conventional type of file header information and also includes the ID of the camera that created the images (col. 4, lines 5-28). Therefore, it would have been obvious for one skilled in the art to have been motivated to include information indicating an ID of the camera that captured an image as disclosed by Park as the additional information (metadata) that is provided along with the digitized image data to be transferred to the DDST device disclosed by Cohen. Doing so would provide a means for easily identifying the device that captured an image when a file of images is stored or transferred to a remote device (Park: col. 4, lines 26-28).

Re claim 13, Cohen discloses all of the limitations of claim 4 above. Cohen also states that additional information (metadata) can be provided along with the digitized image data (page 6, paragraph 63). However, although the Cohen reference discloses all of the above limitations it fails to specifically state that an image information transmission means has a function to transmit identification information unique to the photography device in association with the acquired image information to a plurality of data processing devices.

Park discloses a camera capable of storing camera identification information in a file along with a set of images captured by the camera. JPEG images captured by the camera (10) are stored in a file containing metadata (301) and a series of frames (302a-302c). The metadata (301) includes the conventional type of file header information and also includes the ID of the camera that created the images (col. 4, lines 5-28).

Therefore, it would have been obvious for one skilled in the art to have been motivated

to include information indicating an ID of the camera that captured an image as

disclosed by Park as the additional information (metadata) that is provided along with

the digitized image data to be transferred to the DDST device disclosed by Cohen.

Doing so would provide a means for easily identifying the device that captured an image

when a file of images is stored or transferred to a remote device (Park: col. 4, lines 26-

28).

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Cohen et al. in view of Park et al. and further in view of Dutta US 2003/0076408.

Re claim 8, the combination of Cohen and Park discloses all of the limitations of

claim 5 above. However, although Cohen discloses a remote image data processing

means (100) it fails to specifically state that the image data processing means (100) has

correction conditions for correcting the image information for each of a plurality of sets

of photography devices.

Dutta discloses a handheld camera that captures images and transmits them to a

processing engine. Dutta states that images captured by the handheld camera device

(204) are transferred to the processing engine (304) and the processing engine (304)

processes the images to correct their relative distortions (pages 3-4, paragraph 29).

Therefore, it would have been obvious for one skilled in the art to have been motivated

to include the teaching of remotely processing images to correct relative distortions as

disclosed by Dutta in the remote image data processing means disclosed by Cohen in

view of Park. Doing so would provide a means for remotely correcting image signals in

order to create a complete and reconstructed image of an object (Dutta; Page 1,

paragraph 6).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly L. Jerabek whose telephone number is **(571) 272-7312**. The examiner can normally be reached on Monday - Friday (8:00 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yin Le can be reached on **(571) 272-7372**. The fax phone number for submitting <u>all Official communications</u> is **(571) 273-7300**. The fax phone number for submitting <u>informal communications</u> such as drafts, proposed amendments, etc., may be faxed directly to the Examiner at **(571) 273-7312**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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